

REMARKS

In view of the above amendments and discussions to follow, Applicants submit that the claims in the application are patentably distinct over the prior art references generally, and in particular the cited references, Timm (US 4,444,961) in view of Klipper et al (US 4,952,608) and in further view of Surowiec et al (US 5,804,606).

Claims 1-16 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm (U.S. 4,444,961) in view of Klipper et al (U.S. 4,952,608) and in further view of Surowiec et al (U.S. 5,804,606). Further Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Surowiec et al. The rejections are based on the grounds that claim recited products which are recited in the form of product by process claims are allegedly the same or obvious over the cited references. Applicants traverse the rejection because the record before the Examiner clearly shows that the claimed products are different and provide markedly improved results and are therefore unobvious over the referenced products.

The distinction of the claims over the references has been averred in the application (see page 1, lines 4-16). The averment remains undisputed.

The claims are distinct in that they recite an ion exchanger having chelating groups, with the properties described below, which are obtained without post-crosslinking. Illustratively, the monodisperse ion exchangers prepared according to the present invention and having chelating groups are patentably distinct in that they:

- give markedly better removal of heavy metals and noble metals from aqueous solutions or organic liquids or vapors thereof, particularly of mercury from aqueous solutions of alkaline-earth metals or alkali metals, in particular removal of mercury from saline solutions from alkali metal chloride electrolysis,

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- give markedly better removal of heavy metals, particularly mercury or arsenic, from aqueous hydrochloric acid, particularly from waste water from flue gas scrubber effluent but also from landfill eluate or groundwater,
 - give markedly better removal of heavy metals, particularly mercury or arsenic, or noble metals, from liquid or gaseous hydrocarbons, such as natural gases, natural gas condensates, or mineral oils, or halogenated hydrocarbons, such as chloro- or fluorohydrocarbons,
 - give markedly better removal of elements of the platinum group or gold or silver from aqueous or organic solutions, and
 - give markedly better removal of rhodium or elements of the platinum group or gold or silver or of rhodium- or noble-metal-containing catalyst residues from organic solutions or solvents, and
 - give markedly better removal of alkaline-earth metals, such as magnesium, calcium, barium or strontium, from aqueous saline solutions, as usually produced in alkali metal chloride electrolysis,
- than do the chelating resins known from the prior art.

The novel ion exchangers are, therefore, highly suitable for a very wide variety of application sectors in the chemical industry, the electronics industry, or industries that dispose of or recycle waste, or in electroplating or surface-finishing. See page 2, line 13 through page 3, line 11 of the application.

The foregoing, Applicants have clearly met the burden of proving that the claims are different and unobvious over the prior art. Applicants submit that in the absence some objective evidence to the contrary, the Patent Office is required to accept the objective truth of Applicants assertion, In re Marzocchi et al 169 USPQ 367 (CCPA 1971).

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In view of the foregoing amendments and discussions, Applicants submit that the claims are patentably distinct and therefore pray for their allowance.

Respectfully submitted,

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